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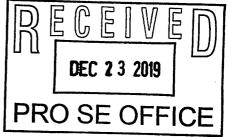
CV 19-7202

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

MATSUMOTO, J.

David wy Che	
(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)	Complaint for Employment Discrimination BULSARA, M.J. Case No. (to be filled in by the Clerk's Office) Jury Trial: (check one)
-against- KM systems Tro. (Kms where less) CRana castle ((Man) Carlle Communications)	

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)



I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name ·	Davidisthe
Street Address	1 Towns coster Apt 621
City and County	Cliffonde Park, DT 07010.
State and Zip Code	
State and Zip Code	
-	(TRSSH-1178

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	KM3451gns Tace
Job or Title (if known)	
Street Address	2168 balboa Ave Ste4
City and County	Sm Dieso 2 CA 92 109
State and Zip Code	
Telephone Number	888 581-3619
E-mail Address (if known)	

Defendant No. 2

ndant No. 2	
Name	('Down l'atte (Chair (adle Comunications
Job or Title	
(if known)	L L LAH T
Street Address	16-16 whitesland Expy 4th Floor Flushing NY 11357
City and County	Flushing, NY 11357

		177 Codo				
		State and Zip Code	877-4569317			
		Telephone Number	811 430 4 30			
		E-mail Address				
		(if known)				
C.		of Employment				
	The a	The address at which I sought employment or was employed by the defendant(s)				
	is:	•	(Dan castle Communications			
		Name	16-16 Whitestone Expert 4th 7 low			
		Street Address				
		City and County	whitestone, UC 11357			
		State and Zip Code				
		Telephone Number	877-456-9317			
	- -	1 31 Afam				
		risdiction	chack all that			
This	action i	s brought for discrimin	ation in employment pursuant to (check all that			
appl	y):					
	~/	Title VII of the Civi	1 Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e			
	₩.	to 2000e-17 (race, c	olor, gender, religion, national origin).			
		Alata: In order to l	oring suit in federal district court under Title VII, you			
		must first obtain a l	Notice of Right to Sue tetter from the Equal			
		Employment Oppor	tunity Commission.)			
	#25	- X - Thecrimination	in Employment Act of 1967, as codified; 29 U.S.C.			
-	Ц	§§ 621 to 634.				
		or . Tuday to	bring suit in federal district court under the Age			
		(Note: In order to	Employment Act, you must first file a charge with the			
		Equal Employment	Opportunity Commission.)			
			sabilities Act of 1990, as codified, 42 U.S.C. §§ 12112			
		Americans with Di to 12117.	Sabilities Act of 1996, as the			
		το 1211/.	bring suit in federal district court under the Americans			
		(Note: In order to	ct, you must first obtain a Notice of Right to Sue letter			
	•	with Disabilities A	poloyment Opportunity Commission)			

n.

C.	I believe that defendant(s) (check one):				
		is/are still committing these acts against me.			
	<u> </u>	is/are not still committing these acts against me.			
D.	Defendant(s) explain):	discriminated against me based on my (check all that apply and			
	Ø	race Alican American			
		color			
		gender/sex			
		religion			
		national origin			
		age. My year of birth is (Give your year of birth			
		only if you are asserting a claim of age discrimination.)			
		disability or perceived disability (specify disability)			
	•				
E.	The facts of t	ny case are as follows. Attach additional pages if needed.			
ь.	THE ROOM OF A	red as a field test engineer desprte hours no education,			
	\sim	C in the commendation of t			
		The way to the state of the sta			
		- Charles Occorded National			
	-their	ent company (Chan Costle Commandions). Neither			
		To adod me with training,			
:		working wreate			
	mack of	1thons including lack of Training Compression			
		1 March 1 Marc			
	- 1	The delice On Unimber 5, 2013 I mich to			
	Complaint and was discharged within 200005 Comments were made about no				
	Comparat	and was a stage of the shaft in an islated capacity			
	African to	euras hamslyle by (mun Costle slaff, I worted in an isolated Capaciti			
	(Note: As a	additional support for the facts of your claim, you may attach to this			
		copy of your charge filed with the Equal Employment Opportunity n, or the charge filed with the relevant state or city human rights			
	Commission	n, or the charge filed with the foot-			

division.)

Jacks of case (continued) where others start members that worked for times writeless or alknown and windown to what worked for times appropriate or allowed and an abundant arms of the support of the s
worked in an inclusive sourcement under management specimens with an abundant concust or support. I still not receive any support from states. It Primarily, I worked above. I worked in the field committed the myself without multiplied and which except the prospect minor was constited. The vericle had multiple the states of the whole stopped approxime such as specific problems such as specific problems such as sometimental of the whole stopped approximental of the actually chapped of addressed, resultantly I was formated. Horas Books (Osan Costle Marages Of Engrees) After a complained about any from crosson castle Issue wireless. Horas Dones no writing addressers my training concerns. After the Proposition of the proposition of the supportant of the control of the contr
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For so the Projects progress and relied me improductive in the weekplone without addressing my training concerns African Americans The Two African Americans that were tasked with the responsibility I training me were corruptly discharged within the first month I was hired in T Indeed the africant did not have the apportunity to receive training from these my fixner (ownshors due to schooling Conflicts. No other African Americans were present at this time in the weatplace and my position was first propland
From African Americans that were lasted with the responsibility of training me were corruptly discharged within the first month I was hired in . I put support the first did not have the apportunity to receive training from these my fixner Cowarbors due to schooling Conflicts. We other African Americans were present at this time in the wartplace and my postion was according propland
I training me were compily discharged within the first month I was hired in . I from my fixner (ownshors due to scholding Conflicts. Worther African Americans were present at this time in the wartplace and my position was accordingly preplaced
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were present at this time in the wartplace and my position was and preplaced
by a mobile eastern individual that was related to an engineer at coopin costle

		Other federal law (specify the federal law):		
		Relevant state law (specify, if known): Discounting, worst it termination, control Relativition		
		Relevant city or county law (specify, if known):		
Staten	nent of	Claim		
briefly relief s caused of that and w	as possequent. I the plating involvente a sh	and plain statement of the claim. Do not make legal arguments. State as sible the facts showing that each plaintiff is entitled to the damages or other. State how each defendant was involved and what each defendant did that sintiff harm or violated the plaintiff's rights, including the dates and places ement or conduct. If more than one claim is asserted, number each claim nort and plain statement of each claim in a separate paragraph. Attach ges if needed.		
A.	The di	iscriminatory conduct of which I complain in this action includes (check all oply):		
=	<u> </u>	☐ Failure to hire me. ☐ Termination of my employment. ☐ Failure to promote me. ☐ Failure to accommodate my disability. ☐ Unequal terms and conditions of my employment. ☐ Retaliation. ☐ Other acts (specify): ☐ (Note: Only those grounds raised in the charge filed with the Equal		
		Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)		
В.		ny best recollection that the alleged discriminatory acts occurred on date(s)		

Ш.

YX7	· Evha	ustion of Federal Administrative Remedies
IV.	БУПТ	
	A.	It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor
		Opportunity Commission of my Equal Employ 2017 regarding the defendant's alleged discriminatory conduct on (date)
		regarding the defendant's arroged ensured by
		September 23,2019
	B.	The Equal Employment Opportunity Commission (check one):
		has not issued a Notice of Right to Sue letter.
		has not issued a Notice of Right to Sue letter. issued a Notice of Right to Sue letter, which I received on (date)
		15510d reduct that to se 9/23/2019
		Alace: Attach a copy of the Notice of Right to Sue letter from the
		Equal Employment Opportunity Commission to this complaint.)
	C.	Only litigants alleging age discrimination must answer this question.
	O.	Since filing my charge of age discrimination with the Equal Employment
		Since filing my charge of age discrimination when a since filing my charge of age discriminatory Opportunity Commission regarding the defendant's alleged discriminatory
		conduct (check one):
		·
		☐ 60 days or more have elapsed.
		less than 60 days have elapsed.
v.	Reli	ief
٧.		the demagns or other relief the plaintiff asks the court to
	_	1. 1 comments Incline any basis to comments
		a state arecent time. Include the amounts of any areas of
	_	and the hagis for these amounts. Include the property
	exe	med for the acts alleged and the basis for the reasons you claim you are entitled to mplary damages claimed, the amounts, and the reasons you claim you are entitled to
	acti	al or punitive money damages.
		-1 YAY1 , , , ,
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	-11	I T TO ALECTIMATED INVITATION IN THE REPORT OF THE PARTY
	De	The Ciching of City I The City I was
		n other countries to another work continue (ownersofory) considering
	1	in corrections additional relief (and punitive, compensatory) considering
	Þ	in requesting additional relief () funitors resident against me the companies (detendants) violated my civil rights and reliabled against me the companies (detendants) violated my civil rights and reliabled against me

Presence discriminatory work practices I experience do

Certification and Closing VI.

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where caserelated papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

December Date of signing: <u>23</u>, 20<u>19</u>.

Signature of Plaintiff

Printed Name of Plaintiff



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION New York District Office

33 Whitehall Street, 5th Floor New York, NY 10004-2112 For General Information: (800) 669-4000 TTY: (800)-669-6820 District Office: (212) 336-3630 General FAX: (212) 336-3625

Mr. David Wyche 1 Towne Center Apt 621 Cliffside Park, NJ 07010

Re:

David Wyche v. K & M Systems, Inc.

EEOC Charge No.: 520-2019 - 05742

Dear Mr. Wyche:

We have received your request for a Notice of Right(s) to Sue. Less than 180 days have passed since the filling of the above-cited charge files, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filling of these charges. Enclosed is the Notice of Right(s) to Sue for the file.

On behalf of the Commission,

ther I. Buy

Dey

September 23, 2019

Kevin J. Berry, District Director

Dated

Attn.: Director of Human Resources K&M SYSTEMS INC. 2168 Ballog Avenue Suite 4

2168 Balboa Avenue Suite 4 San Diego, CA 92109 EEOC Form 161-B (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Mr. David Wyche 1 Towne Center Apt 621

From: New York District Office 33 Whitehall Street

Cliffside Park, NJ 07010		5th Floor New York, NY 10004		
	On behalf of person(s) aggrie CONFIDENTIAL (29 CFR §16			
EEOC Charg	e No.	EEOC Representative	Telephone No.	
		D. Young,	•	
520-2019-	05742	Investigator	(212) 336-3758	
N отісе то тн	E PERSON AGGRIEVED:	(See also	the additional information enclosed with this form.)	
been issued of your rece	at your request. Your lawsu ipt of this notice; or your rigy be different.)	it under Title VII, the ADA or GINA must be fill ght to sue based on this charge will be lost. (TI	or the Genetic Information Nondiscrimination A based on the above-numbered charge. It has ed in a federal or state court <u>WITHIN 90 DAYS</u> he time limit for filing suit based on a claim under	
	More than 180 days have p	passed since the filing of this charge.		
×	to complete to adm	ministrative processing within 180 days from the	e determined that it is unlikely that the EEOC will be filing of this charge.	
<u> </u>	The EEOC is terminating it	s processing of this charge.		
	The EEOC will continue to	process this charge.		
Age Discrim 90 days after your case:	ination in Employment Act you receive notice that we h	(ADEA): You may sue under the ADEA at any lave completed action on the charge. In this re	y time from 60 days after the charge was filed until gard, the paragraph marked below applies to	
	The EEOC is closing your o	case. Therefore, your lawsuit under the ADEA of this Notice. Otherwise, your right to sue bar	must be filed in federal or state court <u>WITHIN</u> sed on the above-numbered charge will be lost.	
	The EEOC is continuing its you may file suit in federal of	handling of your ADEA case. However, if 60 cor state court under the ADEA at this time.	days have passed since the filing of the charge,	
equal Pay Ac n federal or s nny violation	ct (EPA): You already have t tate court within 2 years (3 ye s that occurred <u>more than</u>	the right to sue undor the EPA (filing an EEOC c pars for willful violations) of the alleged EPA undo 1.2 years (3 years) before you file suit may no	sharge is not required.) EPA suits must be brought erpayment. This means that backpay due for ot be collectible.	
you file suit,	based on this charge, please	e send a copy of your court complaint to this offic	ce.	
		On behalf of the Comr	mission	
		Men' J. Bery	September 23, 2019	
Enclosures(s)	Kevin J. Berry, District Director	(Date Mailed)	
Ka 21	tn.: Director of Human Res AM SYSTEMS INC. 68 Balboa Avenue Suite 4 In Diego, CA 92109			



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION **New York District Office**

33 Whitehall Street, 5th Floor New York, NY 10004-2112 For General Information: (800) 669-4000 TTY: (800)-669-6820 District Office: (212) 336-3630 General FAX: (212) 336-3625

Mr. David Wyche 1 Towne Center Apt 621 Cliffside Park, NJ 07010

Re: David Wyche v. Crown Castle

EEOC Charge No.: 524-2019 - 02054

Dear Mr. Wyche:

We have received your request for a Notice of Right(s) to Sue. Less than 180 days have passed since the filling of the above-cited charge files, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of these charges. Enclosed is the Notice of Right(s) to Sue for the file.

On behalf of the Commission,

Dey

September 23, 2019

Kevin J. Berry, **District Director**

Sher J. Buy

Dated

Attn.: Director of Human Resources **CROWN CASTLE**

16-16 Whitestone Expressway, Fl. 4

Whitestone, NY 11357

REDC Form (61-8 (11-16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

	Notic	CE OF RIGHT TO SUE (1	SSUED O	N REQUEST)
1 Tov	avid Wyche vne Center Apt 621 ide Park, NJ 07010		From:	New York District Office 33 Whitehall Street 5th Floor New York, NY 10004
	On behalf of person(s) aggrieved CONFIDENTIAL (29 CFR §150)	d whose Identity is 1.7(a))		
EEOC Charg	je Na.	EEOC Representative		Telephone No.
504.0040		D. Young,		•
524-2019-	02054	Investigator		(212) 336-3758
Notice to the	IE PERSON AGGRIEVED:		(See also	the additional information enclosed with this form.)
been issued of your rece	at your request. Your lawsuit i	nder Title VII, the ADA or GIMA	ADA or GINA	or the Genetic Information Nondiscrimination thased on the above-numbered charge. It has ed in a federal or state court <u>WITHIN 90 DAYS</u> he time limit for filing suit based on a claim under
	More than 180 days have par	ssed since the filing of this charg	je.	
X	Less than 180 days have pas be able to complete its admir	ssod since the filing of this charg distrative processing within 180 c	e, but I have lays from the	determined that it is unlikely that the EEOC will a fling of this charge.
X	The EEOC is terminating its p			
	The EEOC will continue to pr	ocess this charge.		
Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed u 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case: The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court WITHI 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost				gard, the paragraph marked below applies to
	The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.			-
Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.				
If you file sui	, based on this charge, please s	end a copy of your court compla	int to this offi	ce.
		On behal	f of the Com	mission .
		other J. Buy	 Des	September 23, 2019
Enclosures(s)	Kevin J. District D	Berry,	(Dale Mailed)
1	Attn.: Director of Human Resc PROWN CASTLE 6-16 Whitestone Expressway Vhitestone, NY 11357			

Case 1:19-cv-07202-KAM-SJB Document 1 Filed 12/23/19 Page 13 of 13 PageID #: 13

Enclosure with EEOC Form 161-B (11/16)

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

(This information relates to filing suit in Federal or State court <u>under Federal law.</u>

If you also plan to sue claiming violations of State law, please be aware that time limits and other provisions of State law may be shorter or more limited than those described below.)

PRIVATE SUIT RIGHTS ---

Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge <u>within 90 days</u> of the date you receive this Notice. Therefore, you should keep a record of this date. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed within 90 days of the date this Notice was mailed to you (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Courts often require that a copy of your charge must be attached to the complaint you file in court. If so, you should remove your birth date from the charge. Some courts will not accept your complaint where the charge includes a date of birth. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred more than 2 years (3 years) before you file suit may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit before 7/1/10 – not 12/1/10 – in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do <u>not</u> relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, please make your review request within 6 months of this Notice. (Before filing suit, any request should be

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.